



Kirwan, S. (2016). The UK Citizens Advice service and the plurality of actors and practices that shape “legal consciousness”. *Journal of Legal Pluralism and Unofficial Law*, 48(3), 461-475.
<https://doi.org/10.1080/07329113.2016.1235770>

Peer reviewed version

Link to published version (if available):
[10.1080/07329113.2016.1235770](https://doi.org/10.1080/07329113.2016.1235770)

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The UK Citizens Advice Service and the Plurality of Actors and Practices that Shape 'Legal Consciousness'

Abstract

The UK presents an extreme case of the 'austerity' politics that define 'access to justice' across several 'global north' contexts. This paper addresses a dimension of law within this distinct 'global north' setting that has been brought into relief by these changes, namely the key role played by advice services in 'translating' legal frameworks for individuals seeking to understand and engage with the legal problems that are dominating their lives. They bring into relief, that is, the plurality of actors involved in shaping the ways in which legal frameworks are discussed and interpreted, a plurality that disrupts the dominant image in which a group of experts provide information for a homogenous public. Noting the importance for understanding 'legal consciousness' of engaging with these plural actors and practices, drawing upon research carried out with the UK Citizens Advice service the paper investigates the different ways in which legal information is translated across the varying emotional dynamics of the adviser-client relationship. It describes how advice work incorporates a 'relational legal labour', a work seeking to transform the client by enabling a 'shifting of attachments'.

Key words

Legal Consciousness, Socio-Legal Studies, Advice Work, Debt, Legal Pluralism.

Introduction

Across several 'global north' contexts, notably the United States (Gomez and Gomez 2015), United Kingdom (UK) (Hynes 2013) and Australia (Flynn, Hodgson, McCulloch and Naylor 2016), the current period of 'austerity' politics has resulted in a significant withdrawal of access to legal advice and representation for low-income households. Following the introduction of the 2012 Legal Aid, Sentencing and Punishment of Offenders Act (LASPO),

an act enforcing severe cuts to Civil Legal Aid in the UK, the UK presents an extreme case in this respect. This paper examines the role of UK advice services amidst this critical period for ‘access to justice’. While swingeing cuts to the civil legal aid budget pulled the funding rug from large numbers of services (Hynes 2013; Mayo *et al* 2014), demand for services, driven in particular by wide-scale changes to awards, eligibility criteria and overpayment enforcement in the benefits system, is growing at a considerable rate (Citizens Advice 2016a). Such changes have created significant challenges for the sector, and in the case of the largest service, the network of Citizens Advice Bureaux¹ united by the national Citizens Advice in England and Wales and Citizens Advice Scotland in Scotland (referred to hereafter as ‘the Citizens Advice service’), the last decade has led to significant changes in approach, organisation and corporate objectives (Jones 2010).

This paper addresses a dimension of law within this distinct ‘Global North’ context that has been brought into relief by these changes, namely the key role played by advice services in ‘translating’ legal frameworks for individuals facing seeking to understand and engage with the problems that are dominating their lives (most frequently those concerning benefits, debt, housing and employment). They bring into relief, that is, the *plurality* of actors involved in shaping the ways in which legal frameworks are discussed and interpreted – a plurality that disrupts the dominant image in which a set of experts (principally solicitors and other legal advisers) provide information for a separate group of lay people. The paper thus speaks to a tradition of legal pluralism research emphasising the variety of practices, actors and interpretations *within* what would broadly be termed ‘state law’ (Benda-Beckman 1984, 2002 64).

The influence of advisers upon everyday understandings of law has been little studied in the United Kingdom, a surprising omission given that for large numbers of people with legal issues the Service is their first point of call.² Unlike the United States, where considerable case law (see *Doe v Condon*³ and others) and academic interest (Pearce 1995; Denckla 1999; Rhode 2004) has focused upon the regulation of ‘the unauthorized practice of law’, there is no demarcated and regulated category in the United Kingdom regarding non-legally-trained advisers administering ‘legal’ advice. Indeed, as long-established routes for seeking legal advice through solicitors or Law Centres significantly recede (Hynes 2013; Mayo *et al* 2014), the Citizens Advice service and its ‘generalist’ advisers, the vast majority of whom work on a

voluntary basis (Citizens Advice 2016b), are increasingly engaging with complex cases and highly involved case work.

This development was, to a large extent, envisaged: prior to LASPO a Ministry of Justice paper noted that “very significant sums are currently spent on providing legal advice for issues where individuals are in fact looking for practical advice rather than the specific professional expertise offered by a lawyer” (MoJ 2010, 35), further suggesting that the fact that voluntary organisations are already providing this advice, and as such could provide more of it, should be considered when distributing cuts.

One interesting assumption of this passage is of a firm distinction between ‘legal advice’ and ‘practical advice’. The latter, this argument would run, is simply being told how to deal with one’s situation: who to speak to or how to fill in a form. Whether the advice work carried out within the Citizens Advice service constitutes ‘practical’ or ‘legal’ work, with the particular implications for the nature and organization of this work that the latter term carries, was a site of tension for the advisers we interviewed; across our research there was considerable uncertainty and conflict within, and between, responses to our questions of whether advisers considered themselves to be giving legal advice. One adviser stated that it could be termed ‘quasi-legal’ advice, before deciding that, ultimately, this was a “difficult question to answer” (Greg, Specialist Adviser in an Urban Bureau).⁴

This paper sites this tension in terms of the practice of advice. McDermont (2012) has argued that central to advice work is the way in which advisers engage with and ‘translate’ the life of the client; they take problems as they are defined in ‘everyday’ terms and giving them clarity through legal frameworks. McDermont follows the emphasis placed on ‘translation’ in the work of Boyd White (1990), for whom the irreconcilability of lifeworlds and languages that compose legal situations highlights less a *problem* than an indication of the centrality of translation to legal work at all levels.

As McDermont (2012) argues, advice agencies play a particularly important role in this respect, as their ‘acts of translation’ between client and adviser simultaneously translate a personal issue into a public ‘matter of concern’ (Callon 2007). With regard this focus upon advisers as *translators*, this paper extends the scope from the *what* of advice to the *how*. Communicating and explaining legal information in each case relies upon a labour that

cannot be reduced to the information being provided or even the typical flow of the advice interview. It is these extra dimensions of advice work that I approach in this paper through the concept of ‘relational legal labour’, a concept emphasising the emotional flows between adviser and client that enable the translation of law. In so doing the paper offers a critical intervention into the question of how the law is communicated, understood and interpreted, and as such into the field of ‘legal consciousness’ studies (Ewick and Silbey 1998; Sarat 1990) in which the broader ‘life’ of law is directly at stake. As noted above, approaches to this broader field have often assumed a distinction between lawyers and lay people; by focusing on advice workers the paper emphasises the *plurality* of actors and spaces playing a key role in developing ‘legal consciousness’.

The paper draws upon data gathered through the Ideas of Legality and Citizenship Project, which between 2013 and 2016 investigated the practices, experiences and ideas of individuals working with the Citizens Advice service. Over the course of 2014 the project carried out 42 interviews and five focus groups with advisers, managers, trainers and trainees. In addition, three trainees on the adviser training programme recorded audio diaries of their experiences. As a participant observer I also completed the 9-month training programme, writing a field diary documenting the changes in my thoughts and understandings as the training progressed.⁵

Having described the history and composition of the Citizens Advice service, the paper turns to the theoretical lens used to frame and analyse the empirical data, considering first the varied scholarship on the relationship between ‘law and emotion’ and its relationship to the study of ‘legal consciousness’ before turning to insights into the adviser-client relationships gained in the field of ‘emotional attachments’. The paper then examines two forms of ‘relational legal labour’, namely ‘constructing clarity’ and ‘constructing ownership’, before considering the changing role of this labour amidst ongoing social transformation.

The Citizens Advice service

The Citizens Advice service was founded in 1939, with a view to the forthcoming dislocations of wartime, as “an emergency service of free and unbiased information and advice for citizens and by citizens” (quoted in Brasnett 1964, 7). The service is formed of national organisations (Citizens Advice, serving England and Wales, Citizens Advice Scotland and Citizens Advice Northern Ireland) which provide training and support for the

local bureaux, of which at the time of writing there are 338 in England and Wales (Citizens Advice 2016b), 61 in Scotland (Citizens Advice Scotland 2016) and 28 in Northern Ireland (Citizens Advice Northern Ireland 2016).

The four key areas of advice faced by bureau are benefits, debt, housing and employment (Citizens Advice 2016a). In dealing with these issues *of* citizenship, the ‘for’ and ‘by’ cited in the above quote, describing the voluntary, peer-to-peer ethic that remains a key tenet of the service and is of central importance to advisers, has led the Citizens Advice service to occupy a unique place, as Rhys Jones (2011, 726) notes, “in the twilight zone between the state and civil society”; no other service in this bracket of the ‘shadow state’ (Wolch 1989) so strongly blurs the boundary between service provider and recipient. Given the significant level of professionalisation within today’s Citizens Advice service, as is detailed in the sections on ‘relational legal labour’, it is remarkable to note that, as Citron (1988, 3) states, there was significant resistance in the 1970s to the introduction of adviser training.⁶

This paper focuses upon the work of ‘generalist’ advisers. As opposed to ‘specialists’, generalists almost always work on a voluntary basis and are able to deal with *all* issues within the remit of the service. Depending upon the set-up of the bureau, generalist work may be supported by specialist advisers (typically in the four areas mentioned above), duty managers, administrative staff, other managerial staff and social policy officers.

Entangling law and emotion

The forms of questioning within the project interviews were designed to allow advisers the space to reflect upon the otherwise *unseen* dimensions of their own practice and experience; participants were encouraged, in other words, to reflect upon all that falls outside the technical, practical and intellectual levels of advice-giving. Such questioning derived from the recognition that advice work is a relational and emotional labour as much as a labour of communication and representation. Yet ‘emotional labour’ as a concept, focused upon how private emotions are appropriated and commodified in service sector workplaces (Hochschild 1983), or upon care work and certain areas of the public sector (James 1989), does not offer a framework to understand the emotional and relational dimensions involved in law-as-translation. As such I use in this paper the term ‘relational legal labour’ to emphasise the labour, and skill sets, proper to a work that is oriented as much to the diverse emotional states and needs of clients as it is to the complex procedures and concepts associated with law.

Reflection, in this vein, upon the relational and emotional complexities of advice-giving resonates with the move in legal studies, since the 1990s, towards an increasing recognition of the emotional composition of actors within the legal process (see Kahan and Nussbaum 1999; and Marony 2006 for reviews of this field) and the ways in which a marginalization of the emotional, both historically and in the present, shapes and maintains power relationships and inequalities (Pasquetti 2013; Nussbaum 2009). For example, as Berk (2015) notes, not only does the imagining of legal actors as rational and calculative misrepresent the situations in which individuals enter, and proceed with, a legal problem, it “reinforces male privilege and female dependency by deeming emotions during conflict as differently appropriate based on gender” (2015,149).

Our principal concern in this respect is less with the emotional background to *formal* legal decisions than with the relational and emotional dynamics that shape the understanding and communication of law. Thus we focused upon the concept of ‘legal consciousness’ to highlight the emotional composition of everyday legal understandings and interactions. Following Ewick and Silbey’s distinct approach to this concept, this paper takes a constructivist approach to law, focusing upon cultural practice to present law as ‘an “emergent feature of social relations” (Ewick and Silbey 1998). For Ewick and Silbey, the driving question concerns how and why it is that the law *endures*; why is it that, despite the anger or resentment they might be feeling, in particular as a result of the inequalities perpetuated by legal frameworks, people continue to obey the laws of the road or respect the authority of a judge.

Yet the concept of ‘legal consciousness’ as it has been deployed by scholars following Ewick and Silbey (Hull 2003; Marshall 2003), to their apparent disapproval (Silbey 2005, 352), is often focused upon the typology of orientations developed in *The Common Place of Law* (Ewick and Silbey 1998) as opposed to the broader social questions the text raises. Tied to the perspectives and experiences of an individual subject, these studies tend towards identifying the distinct tendencies and beliefs held by individuals with regard legal frameworks. This paper brings these individual and social levels together in a focus upon the ‘relational’ situation of the advice interview; it seeks to enrich understandings of ‘legal consciousness’ by exploring how emotional attachments (see Ahmed 2010; Berlant 2013) are shaped, managed and shifted in certain situations.

Two such situations, and areas of study, are of particular importance in this regard. The first is the psychoanalytic or therapeutic encounter. For Bondi (2005), these situations are characterised by “a relationship in which the person who is seeking help is constructed as the one who ‘has the answers’” (2005, 442), and where the therapist acts “as a facilitator who provides an environment conducive to the discovery, realization, negotiation, exploration or creation of those answers” (2005, 442). This overturning of the assumed relationship of authority that constitutes the advice relationship was frequently raised by advisers, citing for example the frequency with which clients make their own decisions (for example on whether they wish to return to work) based on their own ongoing reassessment of their situation within the advice interview. What is being facilitated in these contexts, Bondi argues, is a *shifting of attachments*, such that a memory or relationship located in a negative or destabilising emotional space can be attached to an enabling emotional terrain.

The second, very different, field is the focus upon how certain technologies and institutional practices, whether held by governmental or private agencies, create and condition the ‘attachments’ of target individuals (on the role of Citizens Advice in this respect, see Rose 1999, 90). Of notable importance in this respect are the technologies of attachment particular to the field of consumer debt collection. Deville (2012) describes as follows the ways in which debt collection companies, realising their comparative lack of legal power, seek to forge, through careful negotiation of the client’s emotional state, a *positive* attachment to the prospect of clearing the particular debt they are seeking to recover:

The segmentation of collections teams according to the seriousness of debts, the changes in tone of the collections calls within these teams, and the use of carefully constructed collections trajectories all point to how attachments may be secured through the management of emergent, corporeal tendencies. (2012, 434)

Both fields of study suggest that the communication and translation of ideas, concepts and rules should be approached not only in terms of the transmitting of knowledge from one individual to another, but also in the shared emotional flows that enable the client to transform their emotional *attachment* to an area of knowledge. Thus, applied in this paper is an approach to ‘relational legal practice’ that is less, following Hochschild’s formulation of emotional labour, a regulation of the client’s feelings, than an attempt to shape the ways in which the client emotionally engages with certain areas of their life; a transformation of the

clients 'emotional attachments' without which the translation of legal concepts cannot take place. This emphasis, as indicated above, presents a new approach to 'legal consciousness', one that foregrounds understandings of law characterised not by their *belonging* to an individual, but as understandings in continual states of being re-interpreted and transformed as they are discussed and negotiated.

The next section, drawing upon participants' descriptions of their work and my own participant observation of the adviser training programme, describes two forms of 'relational legal labour', each of which seeks a different shifting of attachments: 'constructing clarity' and 'constructing ownership'.

Constructing clarity

There is an awful lot of emotion involved, so what you need to try and do is try and take the emotions from any dealings, that is why having a third party like CAB involved could be useful, because it can actually lead to calmer thought processes and emotion taken out of things. (Steve, Trainee in an Urban Bureau)

This description of the work of advice, taken from the audio diary of a trainee generalist adviser, echoes the imagination law holds of itself: a discipline anchored in an impersonal, objective, emotionally empty space (Valverde, 2003). Another adviser used this imagining of law to contrast their own work with that of counsellors, actors who were seen as "a lot more emotionally involved" (Miriam, Specialist Adviser in an Urban Bureau). The above discussion displayed the extent to which, in legal studies, this imagining has been subjected to critical questioning. Investigating the practice of advice reveals another dynamic to this critical analysis, namely that techniques for 'taking the emotions from any dealings'aking the labour attentive to the relationship between the emotions of the client and the legal frameworks that frame the client's problems. As is shown in the following sections, the goal is less to take away emotions than to re-shape clients' emotional attachments.

To display this I will focus upon the most commonly discussed client across the project interviews: the client for whom the weight of worry, anxiety or shame is hindering their ability to deal with their problems. When describing their most satisfying moments as advisers, a number of our participants described, with reference to the fears experienced by

clients, those interviews that ended with the client feeling that a 'weight' had been lifted from their shoulders. There are two key ways in which advisers enabled this transformation.

First, many advisers noted that the key to this process is the shifting of attention from issues as they inhabit the everyday to the same issues as they are defined and codified in legal frameworks. An initial task in this respect is thus separating a mass of intermingled worries into separate problems, thus marking a clear space for each problem and setting the temporal progression of the interview (issues typically being addressed in order of descending priority or urgency). It is important to note, in this regard, that the capacity to deal with all of an individual's problems was a key source of institutional pride for advisers; it was their recognition that problems are necessarily inter-dependent, and ability to deal with all areas of law, that marked out their difference from solicitors. As one adviser described this 'holistic' approach:

I think solicitors are just so much more direct (...), whereas we'll be more concerned with the whole holistic picture. If you go to a solicitor's and you say, 'I need a claim form filling out', they'll fill the claim form out. They come into us and say, 'we need a claim form filling out', we won't just fill the claim form out, we will say, 'do you have any other debts? Are you up to date with your council tax? Are you up to date with this, that and the other?' ... We'll find out what else is going on. It may be that there are underlying issues that have led to this claim form.... That's not going to happen in a solicitor's. (Kayley, Specialist Adviser in an Urban Bureau).

As part of this 'holistic' approach to the client, advisers described the process of placing each problem in its own separate space. As these advisers stated, the client might arrive with a mass of issues, only some of which they might have considered, but all of which contribute to an experience of anxiety that inhibits any thoughts of a positive and productive future.

Through this process of separating problems, while the client will leave with what might be a difficult set of choices to make and procedures to follow, they have nonetheless constructed a future defined by processes of improvement and spaces of possibility.

The second area of practice concerns the emotional framework in which this work takes place. As one adviser explained it, the task of enabling these transformations can only happen once a bond between adviser and client is achieved:

Somebody, for example, who has been made redundant or, in fact, who have been dismissed from employment, and they're very angry and wonder what they can do about that. So, again, you've got to somehow or other get a rapport with them and try and get that anger subsided a bit (Rosalyn, Generalist Adviser in an Urban Bureau).

As other advisers also explained, advice can only take place when a client is ready to take part in the process, which means not only taking in information but also being able to carry out work on themselves. Another adviser noted that such work implies a knowledge of 'basic counselling skills' (Claire, Specialist Adviser in a Semi-Urban Bureau) lying at the heart of advice. Stating that "with emotional clients it often just takes a bit longer to get through things", she noted the importance of managing a balance between providing 'concrete legal advice' whilst also letting the interview 'span out a bit' such that a necessary 'outpouring of emotion' can take place (Claire, Specialist Adviser in a Semi-Urban Bureau). What is interesting in her description of this balance is the emphasis she placed on the adviser's own emotional state. Noting a particularly fragile and distraught client, she noted:

That was a case of, just, trying to keep my energy down, which is sort of things like body language, pace and tone of speech. But I think although it is hard to monitor yourself it has a really big impact. Because I often found when I started as a volunteer generalist adviser and people were quite worked up, I would sort of pick up on that and get quite worked up as well. Not like I would become emotional necessarily, but I would sort of become a bit more anxious. I would start speaking quicker and louder and sort of moving around a bit more so I would try and keep my energy down to be very calm. (Claire, Specialist Adviser in a Semi-Urban Bureau)

In seeking the construction of clarity, the primary task of advisers is to be able to explain legal concepts in everyday language and bind them to the problem at hand. This is enabled by a 'relational legal labour' whose goal is to form the conditions in which clients can move problems that arouse anxiety and distress to the abstract and impersonal field of options, procedures and consequences. When describing how the advice process can take the weight from the shoulders of a client, advisers are not implying that clients have *forgotten* their problems, but rather that the ways in which they attach to these problems have changed; upon leaving the interview they are able to engage with each separate set of decisions, procedures and solutions.

One site of tension among advisers was the extent to which this intensely relational work was reliant upon seeing clients in a face-to-face setting. While face-to-face remains the enduring image of the Citizens Advice service, as the national organization in England and Wales pushes towards improving waiting times and reliability on its phone service (Citizens Advice 2015), streamlining its online self-help (Karol Burks 2015) and developing pop-up chat boxes (Citizens Advice 2016c), it is increasingly one among many advice ‘channels’ offered by the service. These changes have significant consequences for the reach, image and geographic *scales* of the service (Jones 2010), but also for the question of *how* the translation of life into law is carried out.

If a client phones Citizens Advice, under a new system (Citizens Advice 2015) they will be transferred to an available operator within local networks of bureaux. The push to place more volunteer resources into managing phone services was resisted by many of the advisers we interviewed, who highlighted the restrictions upon their labour imposed by the phone relationship (see Balmer *et al* 2012). One manager described how their bureau was seeking to switch all drop-in services to a phone based triage, a plan that had met resistance among his advisers:

There’s always a little bit more of that tendency to probe a little bit further with someone you’re making eye contact with, you know, and we still have quite a few volunteers who want to put that tea and sympathy in (Adrian, Manager in a Rural Bureau).

One adviser however gave a positive account of the spatial and emotional possibilities, in certain circumstances, offered by delivering advice over the phone:

[I’m] the only person here who actually loved debt advice on the phone. I thought it worked really, really well. (...) Clients were much more comfortable, possibly because they were in their own space when they were talking. I found clients were much more honest. A great many more people in that sort of advice were prepared to acknowledge, where it was relevant, behaving inappropriately, behaving dishonestly – the things that are embarrassing to say to someone – which from the point of view of advising people is fantastic because it’s much easier to give accurate advice if you

actually know what's happened and why (Susan, Specialist Adviser in an Urban Bureau).

What this displays is the capacity of trained and dedicated phone advisers to adapt to the challenges of telephone advice by creating a 'relational legal labour' specific to a different communication medium. This account shows that while 'relational legal labour' is not dependent upon face-to-face as an advice 'channel', it is nonetheless dependent upon both an expertise gathered through training and experience and an emotional attachment to telephone advice as a space of possibility.

We turn now to a different form of relational legal labour, one envisaging a very different transformation in the client's relationship to their problems.

Constructing ownership

The second form of relational legal labour concerns, in contrast to the shifting of attachments from anxiety and distress into the abstract space of law, those situations in which a degree of emotional investment is required of clients if they are to take *ownership* of their problems. Thus the second situation I will focus upon, most commonly encountered in the field of debt enquiries, is the client who 'doesn't care'.

Caleb: I can find it quite healthy if somebody comes to me with debt problems in tears, because it shows they care. The worse type of person is somebody that just doesn't care about it and just wants it sorted, because working with them is more difficult.

Focus Group in a Semi-Urban Bureau

As another adviser elaborated upon this 'difficulty' through a distinction between such 'blasé' clients and those who are over-determined by emotion, advisers must judge their emotional connection with the client based upon an imagined trajectory:

Some people don't care. I've had some people sit in front of me who owe £300,000 and they're like, "If I haven't got it, they can't have it. So, what shall I do now?" And others come in and they're really frightened because they owe £400 to somebody that

they can't afford to pay. Yeah, you don't treat the ones that are a bit blasé about it in a nasty way but you can be a bit more forthright with them. You can say, "Look, you can't just stick your head in the sand. You're got to do something about this."

Whereas you wouldn't say that to a client who was really frightened to death of owing £400. Yeah, sometimes you have to make clients aware of their responsibilities and sometimes it's quite clear the client's already aware of their responsibilities so you're not going to tell them that they have a duty to do something about it because they've already realised that (Margaret, Generalist Adviser in a Semi-Urban Bureau).

So while noting the importance of divesting emotion, advisers also describe moments in which the engagement with a problem requires forms of emotional *reinvestment* on the part of the client. Faced with clients who are willing to ignore or shift responsibility onto others, the above advisers describe how the adviser-law-client relationship is enacted in a specific way. While regulations and responsibilities are drawn upon, this takes place in order to focus attention back upon the client as a subject with everyday attachments: *this is what could happen to you*, rather than this is how the law defines your problem. The initial attempt to immediately shift attention to the adviser is resisted; instead the conditions are formed for moments in which certain consequences and procedures, as defined by law, are turned back upon oneself.

Similarly, a number of advisers described how advice interviews often end with a process of *fixing* the client to everything that has been discussed. As one manager described the culture of advice he was seeking to implement:

Well, at the end of the interview they should be clear what their options are. They should understand that. And as I say, otherwise they're not going to be able to make a decision on the direction to go in. The biggest problem I have I suppose is that the client often will want to take advice – well ok I'll do what you want me to do – but we have to keep on reasserting the fact that it's not our choice, we just give them the options – we can do this, we can do that and do the next thing – what do *you* want to do? And then, we explain what each of the options are, what the possible consequences of these options are and then let the client make the decision on how they want to proceed. And we check their understanding all along the line, like do you understand why we're doing

this? ... It's so they are clear that the situation is theirs at the end of the day. (Adrian, Manager of a Rural Bureau).

In my own experience as a participant observer, this *fixing* of information takes the form of catching the client's eyes and giving them room to acknowledge and repeat the information discussed in the interview. As this shifting of attachments towards consequences and responsibility is dependent upon a relationship of authority between the adviser and client, it is important to explore the physical and technical dimensions of the advice interview that enable the formation and maintenance of this relationship. Beginning with the physical space, an image of the rooms themselves, gathered from my own advice experience and the many bureaux I visited, is given in my own research diary:

There is almost always a darkness, a coldness to them. Arrangement of the room is typically around a table, placed against a wall, with a computer and maybe a few leaflets. ... Both adviser and client have to turn from each other to the computer, which the adviser has control over, control defined by the placement of the keyboard. This can be an important way of defusing a situation or stepping out of an impasse of communication, turning to Advice Guide [the Citizens Advice public information system].

As noted in this extract, the physical space of the room is intertwined with a digital space that also plays a key role in sustaining this relationship of authority. Within the advice interview, relevant information can be accessed and discussed through the two web-based information systems used in the Citizens Advice service: the publicly accessible system known, until May 2015, as Advice Guide (now simply citizensadvice.org.uk) and the internal system AdviserNet. Each adviser described using particular methods to refer to these information sources within the interview; some advisers focused more upon using the computer within the interview room to walk clients through the information on Advice Guide, while others favoured walking out of the interview room, consulting AdviserNet and then returning once they were sure about what they were able to say.

Turning away from digital information systems, one adviser noted to me the value, in benefits cases, in placing the CPAG Handbook, often referred to 'the bible' within the service, on the table between himself and the client. Its sheer size, he described, would

impress upon the client the complexity of the various benefit systems and the corresponding knowledge and authority of the adviser.

The re-composition of attachments taking place in the construction of ownership is not the reverse of the construction of clarity; problems that are otherwise being ignored, dealt with grudgingly, or shaped by the demands of particular debt collectors, are re-framed through recourse to a legal space that is imminent and personal. As such ‘holistic’ advice means something different for this form of ‘relational legal labour’. Separate areas of law are brought together in order to stress the effects that, say, ignoring a benefits overpayment will have upon one’s housing or employment situation.

Boundaries between law and life

Described in the above sections are the ways in which advice is not only a task of knowing what to say (or how to find what to say), but also a task of knowing what forms of ‘relational legal labour’ to employ with each client and at each stage of the advice process.

In each of the two forms of ‘relational legal labour’ described advisers draw upon an imagined legal space, yet do so in very different ways, either to separate out different aspects of the subject, allowing for emotional attachments that are positive and contained, or for attachments that are concerned and responsible. In each case the advice process, which incorporates the physical presence of the bodies in the room and the ways in which information is accessed and communicated, enables distinct re-compositions of the client’s emotional attachments.

These differences can be framed in terms of how the distinction between ‘law’ and ‘life’ is at stake. In the first case the “ever present border” (Mulqueen and Wintersteiger 2016) between the abstract field of legal concepts and regulations and the personal field of problems and tasks becomes an *active* border – a distinction that is negotiated, deployed and utilised. The translation of ‘law’ into ‘life’ requires breaking with the abstraction of law in order to engage with the client’s everyday emotional attachments; yet the purpose is to re-engage this abstraction as a space of certainty and possibility. In the case of constructing ownership, the abstraction of law forms a fulcrum for problems to be made immanent and personal in a way

that does not proscribe a certain course of action, but rather entices the client to develop, following Rose's (1999) work, a more 'responsibilised' relationship to their problems.

In responding to the question of why there is such uncertainty as to the 'legal' nature of advice work, a focus upon 'relational legal labour' shows that what constitutes advice work *as work*, as opposed to the passing on of information, are the various ways in which advisers understand how to weave 'law' into the advice interview; the interventions made by advisers into the legal understandings of their clients rely upon a labour in which advisers understand how to manage a distinction between an imagining of 'the law' and the life of the client.

'Relational legal labour' and plurality

Advisers were keen to differentiate this work from that of solicitors (and also counsellors), most clearly when discussing the 'holistic' nature of advice. It is important in this respect to note the forms of 'relational legal labour' carried out by lawyers. Family lawyers, for example, are engaged as much in explaining divorce proceedings and financial settlements as they are managing the expectations of their clients such that they are emotionally ready to accept compromise and reach an agreement (Eekelaar, Maclean and Beinart 2000; Maclean and Eekelaar 2016). By focusing in the above examples upon the particular spaces and practices that shape how this work is carried out within the Citizens Advice service, I have sought to highlight the distinctness of this labour. As the role of trained legal specialists recedes, most visibly within family law (Trinder et al 2014; Barlow et al 2015), actors such as generalist advisers, social workers, mediators and others play an increasingly key role in translating law. In order to continue to engage with the questions raised by 'legal consciousness' research we need to pay attention to the distinct forms of relational legal labour taking place in these plural spaces.

The cuts to legal aid enacted in the United Kingdom through LASPO have laid bare this *plurality* of key spaces through which the law is communicated and understood. While focus in Legal Consciousness research has been placed either upon lawyers (Sarat and Felstiner 1989) or lay people (Sarat 1990; Merry 1990), by recognising the plurality of actors that play a role in 'translating' law we can uncover key dimensions of how this takes place.

Yet a focus upon this work also shows the faulty bases upon which these cuts were enacted. Presuming individuals to simply need ‘practical’ advice – i.e. to be given the right information or be told what to do, is inherently dangerous. The ‘relational legal labour’ described in this paper requires time, training and support. Advice services cannot be relied upon to produce ever greater outputs; advisers themselves require investment and care (Kirwan 2017), in particular as continuing restructurings of work and welfare (Clarke and Newman 2012) create more complex and distressing problems.

Conclusion

As a first point of call for large numbers of people with varying issues, advice agencies play an increasingly important role in shaping and forming legal understandings in the United Kingdom. The imagination of advice as a linear and rational process of translating information, an imagination central to the drive to do ever more with ever less, obscures the complex sensitivities that go into the labour of advice.

This paper has presented two distinct forms of ‘relational legal labour’: constructing clarity and constructing ownership. Both refer to a particular practice through which advice allows for certain shifting of attachments: in the first case from a space of anxiety and fear to one of clarity and possibility; and in the second in a movement towards responsible engagement. By showing these different ways in which the boundaries between ‘law’ and ‘life’ are at stake, the paper has sought to contribute to ongoing research within the field of ‘legal consciousness’, emphasising as it does how these boundaries are negotiated in everyday discussions, negotiations and experiences. The paper has shown that, in order to understand how it is that the law *endures*, we need to take into account the distinct relational settings in which legal frameworks are translated and the *plurality* of actors carrying out this work. In addition to the work of solicitors, further work is needed in understanding the role of social workers, mediators, GPs and other actors who play a role in explaining legal concepts.

As funding and support for advice work is reduced, increasing emphasis is placed upon web self-help and pop-up chat boxes in delivering legal information: advice channels in which the forms of “relational legal labour” described in this paper are no longer present. What is at risk of being lost in this transition to a field dominated by digital services is the labour that enables an enduring and effective engagement with legal frameworks. For the divorcing

parent or indebted employee, what matters is not only being given the correct information – the practical advice – but also the process in which this information is translated.

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¹ Part-way through our research the word 'Bureau' was dropped from the title following a branding consultation process. I continue to use the term here as it remains in use across the service.

² As part of our project we also carried out a phone survey of clients (NSLC 2015), among whom 36% had come to the CAB before seeking information anywhere else.

³ *Doe v. Condon*, 532 S.E.2d 879 (S.C. 2000).

⁴ All names used in the paper are pseudonyms.

⁵ Of these methods, the participant observation raised the most significant ethical challenges with regard how other participants were kept informed of and were able to consent to participation in the research.

⁶ Despite the significant transformations within the service over this time, it remains bound to the image of the 'twin-set and pearls': philanthropic middle-classes delivering advice with little or no training (Treloar, 2011).